IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

RP.No. 438 of 2006(F)

AGAINST THE JUDGEMENT/ORDER IN OP.17903/2000
.....

REVIEW PETITIONER/PETITIONER IN O.P.

JAYAKUMARAN THAMPI, AGED 52 YEARS,
S/O.R.MADHAVAN PILLAI, KATTAPOLIKARA HOUSE,
MUNDAIKONAM, MUTTADA, THIRUVANANTHAPURAM.

BY ADV. SRI.B.HARISH KUMAR

RESPONDENTS: RESPONDENT IN O.P.
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1. **UNION OF INDIA REPRESENTED BY THE UNDER SECRETARY TO GOVERNMENT, MINISTRY OF DEFENCE, NEW DELHI.**

2. **THE UNDER SECRETARY TO GOVERNMENT, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, NEW DELHI.**

3. **THE RECORD OFFICER, TOPKHANA ABHILEKH ARTILLERY RECORDS, NASIK ROAD CAMP.**

BY ADV. SRI. AJITH KRISHNAN, ADDL.CGSC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH, J.

R.P.No.438 of 2006 in
O.P.No.17903 of 2000

Dated this the 16th day of March, 2007.

JUDGMENT

This review petition is filed to review the judgment dated 16.1.2006 in O.P.No.17903 of 2000. It is seen that the judgment was rendered since there was no reply affidavit despite the factual position as stated in the counter affidavit filed by the respondents. In view of the facts and circumstances stated in the memorandum of review petition that the petitioner was prevented from filing a reply affidavit owing to circumstances beyond his control and in view of the submission of the learned counsel for the petitioner that the delay is partly due to the change of counsel, I am of the view that it is only in the interest of justice that the petitioner be granted an opportunity for filing a reply affidavit. Accordingly the judgment dated 16.1.2006 is recalled on condition that the petitioner pays costs to the first respondent to the tune of Rs.1000/- within a period of two weeks from today. On the petitioner filing a memo regarding

payment of costs, the original petition will be posted for hearing. If the costs as mentioned above is not paid within the time, the review petition would stand dismissed.

The review petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vns.